

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): S. YAMAZAKI, et al.
Serial No.: 10/823,020
Filed: April 12, 2004
For: SCANNING OPTICAL SYSTEM

Group Art Unit: 2872
Examiner: James Phan

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Election Requirement mailed March 16, 2007 in the above-identified application, kindly consider the following election:

ELECTION:

The Examiner required election of one of the following species:

Species 1: disclosed in the first embodiment (Figs. 1-2);
Species 2: disclosed in the second embodiment (Fig. 3);
Species 3: disclosed in the third embodiment (Fig. 4);
Species 4: disclosed in the fourth embodiment (Fig. 5);
Species 5: disclosed in the fifth embodiment (Fig. 6);
Species 6: disclosed in the sixth embodiment (Fig. 8); and
Species 7: disclosed in the seventh embodiment (Fig. 9).

In response to the Examiner's requirement, the Applicant hereby provisionally elects the Species 1, shown in Figures 1-2 which is believed to read on at least pending claims 1-18, 21-24, 27-28, 36-38, 40 and 42-44. Accordingly, Applicant respectfully requests examination of at least **claims 1-18, 21-24, 27-28, 36-38, 40 and 42-44** on the merits. Upon

allowance of any generic claim, consideration of the additional species is respectfully requested.

This election is made with traverse.

The Applicant respectfully submits that for such a requirement to be proper, “[t]here must be a serious burden on the examiner if restriction is not required.” MPEP §803. Applicant respectfully submits that (1) all groups of restricted claims are properly presented in the same application; (2) undue diverse searching should not be required; and (3) all claims should be examined together. For the foregoing reasons, it is respectfully submitted that the restriction/election requirement should be withdrawn and an action on the merits of all the claims is respectfully solicited.

If any issues exist, or if the Examiner has any suggestions for expediting allowance of the application, the Examiner is invited to contact the undersigned at the telephone number below.

Serial No.: 10/823,020
Docket No. 1232-5377

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for timely consideration of this paper, or credit any overpayment to Deposit Account No. 13-4500, Order No. 1232-5377.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: _____

4/16/07

By: _____

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